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FISCAL IMPACT REPORT

SPONSOR: Lujan, A. DATE TYPED: 02/23/03 HB 782

SHORT TITLE: Amend Air Quality Control Act SB _____

ANALYST: Valenzuela

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

Duplicates Senate Bill 515
Relates to House Bill 371 and Conflicts with House Bill 372

SOURCES OF INFORMATION

- *Report of the Legislative Finance Committee to the Forty-sixth Legislature, First Session, January 2003 for Fiscal Year 2003 – 2004, pp. 591 – 592.*
- *Emerging Issues in Air Quality and Regional Haze State Implementation Plans, Staff Brief for LFC Hearing, June 2002.*

Office of the Attorney General
Department of Environment

SUMMARY

Synopsis of Bill

House Bill 782 would amend the Air Quality Control Act by deleting the requirement that state regulations be no more stringent than federal regulations.

Significant Issues

The federal Clean Air Act (CAA), as amended in 1990, directs the U.S. Environmental Protection Agency (EPA) to identify and set national ambient air quality standards (NAAQS) for pollutants that cause adverse effects to public health and the environment. The law allows individual state to have stronger pollution controls, but states are not allowed to have weaker pollution con-

trols. The New Mexico Air Quality Control Act, however, contains stringency language, eliminated in this bill, that prohibits state ambient air quality standards from being more restrictive than federal standards.

House Bill 782 requires that regulations adopted by the state with respect to visibility protection in Class I areas, prevention of significant deterioration, non-attainment areas, and standards of performance be at least as stringent as federal requirements. Class I areas are designated by Congress and include national parks and wilderness areas. Prevention of significant deterioration applies to sources that emit more than 250 tons per year of any one criteria pollutant. A non-attainment area is an area in which the concentration of pollutants exceeds the federal health based standard for that pollutant. Standards of performance are technology-based standards that apply to certain new facilities.

FISCAL IMPLICATIONS

House Bill 782 does not contain an appropriation. Its enactment would have an administrative and fiscal impact on NMED, however, the department would be able to absorb the impact with existing resources.

ADMINISTRATIVE IMPLICATIONS

The Environmental Improvement Board, staff by NMED, may need to revise its rules.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 782 duplicates Senate Bill 515. HB 782 also conflicts with HB 372 which would add stringency language for Title V regulations that could not be more stringent than federal regulations.

MFV/yr